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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,949	12/16/2004	Minoru Matsuzawa	040667	4976
23850 7590 02/12/2009 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
JOLLEY, KIRSTEN				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
02/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

1. The proposed amendments will not be entered because they raise new issues that would require further consideration and/or search, and because they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. Specifically, the proposed amendments to the independent claims requiring “said plurality of fences is respectively driven *only* upwards to form a conduit of said each collection tank [emphasis added]” would require further search and/or consideration.

2. It is noted that Applicant’s amendments to the claims corresponding to the claim objections set forth in the final Office action would be sufficient to overcome the objections regarding confusing claim language.

3. The Examiner notes that the issue of new matter is additionally raised because the proposed claims require “in the collection of *each* treatment solution by its respective collection tank, said *plurality* of fences is respectively driven only upwards to form a conduit of said each collection tank [emphasis added].” The claims, as proposed, would require that a plurality of fences is driven upwards to form each conduit. To the contrary, the specification discloses that a single fence is driven upwards to form each new conduit (see last paragraph of page 15 through page 17).

4. Further, regarding both JP ‘010 and JP ‘404, Applicant argues that there is no concrete description that a plurality of intermediate cup walls are respectively driven upwards to collect treatment solutions. As discussed in the prior Office action, JP ‘010 teaches in paragraph [0045] that use of two cups is merely exemplary and that three or more cups can be used and arranged

concentrically to collect the different kinds of treatment solutions. Similarly, JP '404 teaches in paragraph [0140] that use of two cups for developing solution and water is merely exemplary and that "two or more" cups can be used to collect the different kinds of etching reagents for example. It is the Examiner's position that the formation of three or more cups would necessarily require the use of two or more movable fences.

5. Applicant argues that the JP '010 and JP '404 references do not meet the limitations of the proposed claims which require "said plurality of fences is respectively drive only upwards to form a conduit..." It is noted, however, that the proposed amendments have not been entered. Further, as discussed in the prior Office action, JP '101's cup wall and JP '404's separation plate are only driven upward during processing, and are then returned downward after processing is completed. See paragraphs [0037]-[0039] of JP '010, and paragraphs [0055] and [0057]-[0058] of JP '404.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten C. Jolley whose telephone number is 571-272-1421. The examiner can normally be reached on Monday to Tuesday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kirsten C Jolley/
Primary Examiner, Art Unit 1792

kcj